

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JUL 09 2019

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

ASHLEY MORRIS,

*

BY

Plaintiff,

*

Civil Action No. RDB-19-1351

v.

*

DOUGLAS R. LEVINE, *et al.*,

*

Defendants.

*

* * * * *

MEMORANDUM ORDER

Plaintiff, Ashley Morris (“Morris”) filed an action in the Circuit Court for Frederick County, Maryland, Case No. C-10-CV-18-001029, to foreclose the right of redemption of two real properties. (Compl., ECF No. 4.) The United States was identified as one of the defendants and was served with a summons on April 22, 2019. (*Id.*) The United States timely removed the case to this Court on May 8, 2019, and promptly filed a Motion to Dismiss the United States as a defendant. (ECF Nos. 1, 3.) On June 5, 2019, Morris moved to defer the entry of an order of dismissal pursuant to Maryland Rule 2-507, asserting that the reissuance of Writs of Summons by the Clerk of the Circuit Court for Frederick County, Maryland resolved the service of process issues identified in the Notification of Contemplated Dismissal in that court. (Mot. Defer, ECF No. 69.)

However, as articulated by the United States in its dismissal motion, the nature of the instant proceeding is not one to which sovereign immunity has been waived under 28 U.S.C. § 2410. *Kasdon v. United States*, 707 F.2d 820, 823 (4th Cir. 1983). Accordingly, the United

States' Motion to Dismiss (ECF No. 3) shall be GRANTED. Plaintiff's Motion to Defer Entry of an Order of Dismissal (ECF No. 69) shall be DENIED AS MOOT. Further, this case shall be REMANDED to the Circuit Court for Frederick County because it was only the presence of the United States as a party defendant that made the case removable from the state court. Since this Court is granting the United States' dismissal, Plaintiff's claims against the other defendants are better litigated in the forum originally chosen by the Plaintiff.

For the foregoing reasons, it is this 8th day of July 2019, ORDERED that:

1. United States' Motion to Dismiss (ECF No. 3) is GRANTED;
2. Plaintiff's Motion to Defer Entry of an Order of Dismissal (ECF No. 69) shall be DENIED AS MOOT;
3. This case shall have no effect on the existence or validity of any Federal tax lien extant as of the date of this Order;
4. This action BE and HEREBY IS remanded to the Circuit Court for Frederick County, Maryland;
5. The Clerk of Court transmit a certified copy of this Order and the record in this case to the Clerk of the Circuit Court for Frederick County, Maryland;
6. The Clerk of the Court shall transmit copies of this Order to Counsel of record; and
7. The Clerk of the Court CLOSE this case.

Richard D. Bennett
Richard D. Bennett
United States District Judge.